



SATURDAY, November 3. 1722.

To the Author of the London Journal.



THE Two Things, which are at this Time the chief Subjects of Conversation, are The Suspension of the Habeas-Corpus-Act, and The Increasing the Number of Our Forces. The first Discourse and Apprehension of both These, has been always seen to give an Uneasy Shock to the Minds of the People of England. And this is so far from being surprising or disagreeable to me, that I cannot but look upon it with some sort of Pleasure, as the Natural Struggle of Free-born Souls for Liberty. When you tell an Englishman, that the Habeas-Corpus-Act is suspended for a Time; and not only this, but that an Augmentation of Four Thousand Men is to be made to our Forces; the first Impression from hence is, the Terror of Arbitrary Power, over-bearing all Laws and all Liberty. And if this natural Uneasiness be improved by the Representations of These Orators, who traffick in the Passions of Men, before He can have Patience or Opportunity to hear the Reasons of Orders, He will think, and talk, and dream of nothing but over-turning the Constitution, trampling upon all Rights and Privileges, and governing the Nation by Standing Armies instead of Acts of Parliament.

But if He be naturally a reasonable Man, or if Time has by degrees persuaded his Passions to subside, and his Understanding to be in a State of Freedom and Coolness, the same Love to Liberty, which created his first Dissatisfaction, will itself give him back that Ease of Mind, which it before took from him. This I have attempted to shew, in a Late Paper, with regard to the Act of Suspension. And now, with respect to the other great Point mention'd; When the Addition made to the Forces is represented to him in the same Light, as what would never have been ask'd, and never consented to, but upon Account of the same Necessity, arising from a Conspiracy against the very Being of all our Liberties; that the Number added is but barely sufficient for a Defence, in case of any sudden Attack, or Insurrection; and this Augmentation made but for One Year, as the Limit of which it is to be reconfid'd by the Parliament itself; that, after this Addition, the whole Number in England and Scotland will not exceed Fifteen Thousand Men for the Service; and that Four Thousand of these cannot readily be brought to any one Place of Action upon any Emergency, nor then without leaving Order Parts unguarded; and that All this is so prudently order'd, that the Rights of Officers, which is the great Expense, is entirely avoided; and the whole Charge reduced to a Sum so inconsiderable, that it will not increase the Burden of the People, in this Year of Necessity, above what it was the Year before: When This, I say, is laid before Him in its true Colours, He will look more favourably upon it; and when the sad Circumstances of such a Necessity, Reason enough for doing something which he does not otherwise like, or ever wish for, to preserve All that He loves and values in this World.

But it is not my Design to stop here. The Occasion I have had to consider these Two Points, upon which the present Uneasiness of many Well-wishers to their Country is laid to turn, has at the same Time very naturally carried me to an Enquiry into the Behaviour of All Free States in the like Cases of Conspiracy against their Liberties. And the Result of this Enquiry I am now going to communicate, not without some Hope, that it may help a little, in this important Juncture, to give Satisfaction where it is wanting, and to confirm it where it already is.

I will first therefore, in general say, that I found the Behaviour of the greatest Lovers of their Country, in all such Cases, to be always, without any Variation, conducted by these and the like Maxims, viz. That in Dangers and Exigencies of an Extraordinary Nature, to which the Ordinary stated Laws cannot effectually answer, there is a Right lodged, wherever the Supreme Power is lodged, to take Extraordinary Methods of Defence: That it is impossible, in such Cases, to preserve the Liberties of a Nation, but by hazarding Them: and That it is not therefore a reasonable Objection against Any Extraordinary Method proposed, to urge that there is Danger in it, or that it can't be put in Practice without the Possibility of hurting, in some Degree or other, the Liberties it is design'd to preserve. By these Maxims I affirm, and am ready to maintain, that the Wise Men, and the most Unsuspected Patriots, in all Ages, and all Countries, have conducted Themselves: And that, opposite to These, there can be no Maxims, but such as (tho' they may be espoused by Honest and Well-meaning Persons, yet) in Fact are, and were always, the Maxims and Arguments of the Conspirators Themselves; and what, if they are followed, must end in a quick and total Ruin of any Free Nation.

But, in particular, I own to you, that no Part of my Enquiry gave me a greater Pleasure, than That which was concerned about the Judgment and Conduct of the Romans in such Cases; I will add, nor a greater Surprise: because I had not for some Years examin'd into it with any Exactness; and the Names and Characters of their Greatest Men had been of late so used, as to lead to quite different Impressions about Them, from what I found to be consistent with the Truth of Facts. The Conspiracy of Catiline against the Liberties of Rome, will alone furnish us with Matter enough to justify what I now say; the main Circumstances of which are too well known to bear repeating; and yet the most obvious Remarks upon them seem of late to have been very much remov'd out of Mens Sight.

The Discovery of this Design, made to Cicero the Consul, was very plain and convincing, as far as it went; but it was but imperfect. He saw the Danger, but yet could not dive into the Bottom of it immediately, or come to the complete Knowledge of the Strength and Number of the Conspirators. He therefore lays the Affair before the Senate, knowing his Ordinary Power not to be sufficient to guard the City it self, much less to preserve the Whole Commonwealth. What follow'd upon this? The Senate immediately and unanimously decreed, Decretum operum Consules ne quid Respublice detrimenti caperet: Not that the Consuls should make use of all their Ordinary Powers, and all that the Laws then in force gave them, for the Preservation of the Whole; (for this they could do, and did do, without recurring to the Senate:;) but, that the Consuls should be, ipso Jure, vested with All Powers sufficient to preserve the Republic in Time of such

such Extremity. This the Nature of the Thing shews to be imply'd in this Decree. And thus the Historian explains it, that by that one *Votum* or Decree of the Senate was given to the Consuls, *Potestas Maxima*—amongst the Particulars of which He reckons up, *EXERCITUM parare, bellum gerere, coercere OMNIBUS MODIS Socios atque Cives, domi militaque imperium atque, judicium summum habere*: None of which Powers, He adds, had the Consuls any Right to, without such a New Law. Here then, was a vast and almost Absolute Power immediately, and without Hesitation, lodg'd in the Hands of the Consuls; a Power to raise and put in Order an Army, without limiting the Number of Men in it, or specifying the Places where it was to act; to wage War, without binding them to Any particular Method of doing it; to restrain and keep within Bounds, by ALL Methods, their Subjects and Allies, in which was necessarily implied (as the Event likewise shew'd) the Confining and Imprisoning all suspected Persons; in a Word, to have the last and highest Authority, without Appeal, in the City, and in the Camp: And all this, without the Limitation of any Time, but permitting Trial to the Judgment of the Consuls, who had then a Year, wanting a few Days, to serve in that Office; Tally, as it appears, being but just then created Consul, upon the general Apprehension of a Conspiracy.

If I were to put this into the Scale of our Times and Country, it should be thus. The Chief Ministers, upon an imperfect but certain Discovery of a Conspiracy against the State of Rome, call'd the Parliament together; and gave them an Account of what had been discover'd; declaring, that they had not, by the ordinary Laws then in Force, sufficient Powers to guard the State against such a Design. The Parliament of Rome immediately, without any One Dissent or Protest, pass'd an Act, vesting in the Administration such Powers as were sufficient to that Purpose; particularly, suspending the Roman Habeas-Corpus-Act, or all such Laws as might prevent the Administration from confining suspected Persons, and this for the Space of a Year; and ordering an Augmentation and exact Discipline of the Forces then in the Service of the State.

Here is a Power granted in One Vote of the Senate, so absolute and unlimited for the particular Occasion, that it is enough to create a Dread in any Free-man to think of it. And I heartily pray, it may never be, in so unrestrain'd a Manner, experienc'd here. But I give this Instance, as very proper to shew the Sentiments of that People, in Cases of Conspiracy against their Liberties; and certainly as a good Argument, that They, who did so much at Rome upon such an Occasion, would more readily have join'd in doing much less than This, were They now alive, and met to save this Nation, in like Circumstances. For the Historian not only tells us, They did this upon Occasion of that One Conspiracy; but that it had been their Common Practice to give this Power to their Consuls, in all like Conjunctions of Danger, *quod plerumque in atroci negotio solet*, &c.

But, Who were These, who acted this Part upon the first opening of a pernicious Design against their Country? *Assidui slaves*, ready to sell Themselves to Any who would ask to be their Master? No. The Bravest, the Wisest Assembly then in the World; the most jealous of their Liberties, and the most quick in their Apprehensions of any Danger to them. This was the Assembly, which vested such large Powers in the Administration: And it was that very Jealousy of their Liberties, which induced Them to add so much Power to Power. But what is remarkable is, that in this first Step, (which indeed, in general, comprehended every thing,) there was no Difference of Opinion; the Vote was *Nemine Contradicente*. No One Patriot, in the whole Number of Senators, stood up to represent the Danger to the Liberties of Rome, from such a Power lodg'd with the Consuls, as an Argument against the Thing. No Patriot, did I say? No One secret Conspirator, No One secret Favourer of the Conspirators, (of which sort there were several in this Senate) dared, or cared, to make the least Shew of Opposition to this first Motion; which yet lodg'd in the Consuls a Power much greater, and much more dangerous, than what we have heard so much declaim'd against.

But when I tell the English Reader, that in this very Senate, the Great, the True Roman CATO bore a principal Part; and that in the Debate upon the next Question, in which there was some Difference of Opinion, He shone forth in all the Brightness and Dignity of what He accounted *Severitas*; the Mention of that great Man's Name, of which He has heard so often of late, will probably raise his Curiosity; and he will be impatient to know very particularly the Truth of His Conduct, whose Reputation was ever unblemish'd with any Corruption or Suspicion. He will immediately ask, How did CATO, that Patron of Liberty, who courted and defended Her with all the Jealousy of a Pa-

trionate Lover, behave himself upon this Occasion? What were the Principles and Maxims, He avow'd? And which Way did the Seat of CATO shew it self, whose Name alone English Patriots have thought sufficient to support their Characters? I have not Room at present to satisfy this Curiosity. But I promise to do it in Another Paper; and now can only assure Him, that the Account of that Great Man will be something very different from what may be imagin'd; and in particular, that He had not One of those Romantic Principles of Liberty, which in some Conjunctions are as Fatal to a Country, as Standing Armies and Irresistible Force can be to Others.

I am, &c.

BRITANNICUS.

FOREIGN AFFAIRS.

FROM the Northern Letters we learn, that the Czar goes on prosperously in his Expedition against the Persian Rebels.

Notwithstanding all the Care taken to prevent Disputes at the King of France's Coronation, yet some accidental ones did arise about Precedency. The French are replenishing their Magazines of Ammunition and Corn on the Frontiers.

Advices from Liege and the neighbouring Country say, that several Spanish Officers are arrived in those Parts, who privately enlist the German disbanded Officers, and others, for the Service of the King of Spain. The Spaniards have fill'd their Magazines at Porto Longone with all manner of warlike Stores; and the Court of Vienna is not behind-hand with them, for that Ministry seems resolv'd to extend the Emperor's Interest in Italy; to which end a great Quantity of Ammunition and Provisions is getting ready to be sent to the several Fortresses which the Emperor possesses in Tuscany.

The Grand Seignior intends to form an Army of 150,000 Men, but whether they are to act in Favour of the unfortunate Sophi of Persia, or not, we will not pretend to say.

The Imperial Ministers insist on a speedy Opening of the Cambray Congress, but those of Spain demand, that the Acts of the eventual Investitures of Tuscany and Parma, in pursuance of the Tenour of the Quadruple Alliance, ought first to be delivered to them by Way of Preliminary Articles.

L O N D O N .

THE Duke of Norfolk, whom we mention'd in our last to be brought up to Town in Custody from the Bath, having been examined by a Committee of his Majesty's most honourable Privy Council, was, on Saturday last, committed Prisoner to the Tower, on Suspicion of High Treason. He is closely confin'd in the House of Major White.

Mr. George Kelly, alias Johnson, having been also examined by the same Committee, hath been sent Prisoner to the Tower on the same Account, and is lodg'd in a Place call'd Beauchamp's Tower.

The Letter that was lately sent to the House of Commons from Paris, we hear, came from one Foreman, who was formerly a Clerk in the War Office; from which he was removed on Account of Disaffection to the Government: He then fled to France, and taking Refuge under Mr. Law, had some Concerns in the *Mississippi* there; but being reduced to Poverty, and very probably forsaken even by his own Party, he sends this Letter, wherein he laments his having been educated in Jacobite Principles, as also, that he had acted against the Government; and then offers to make great Discoveries of the present Conspiracy, in Case he may have his Pardon, and Money to defray the Expence of his Journey; but the Whole seem'd so frivolous that the House of Commons took no farther Notice of it.

We hear, that one of the King's Evidence against Mr. Laver confess'd, on his Examination at Rumsford, that he was the Person nominated by the said Laver, and others, to assassinate the Lord Cadogan; and upon saying that he was not fit for the Enterprise, in regard he did not know his Lordship, another Person now in Custody was proposed to introduce him to the said Earl's Levee, that he might know him. 'Tis talk'd, as if another of the Evidence should say, that he was introduc'd by the said Mr. Laver to a Great Man now in Custody, and recommended as a trusty Person for the Conspiracy.

'Tis said, Mr. Laver's Landlady, to whom he had intrusted the Care of his Papers, is one of the Evidence against him. If so, 'tis hoped these Papers will give the Government a great Light into the dark Designs that have been so long on foot against it; as it is hoped these found on Mrs. Yallop, who has been lately taken into Custody, will also do. We are told, that Women wd. to sell Mudjars about the Country.

by, and being thought qualify'd to carry on their Intrigues, trace employ'd by the Disaffected in the Correspondence they wad with each other.

Ten Thousand Men are order'd for the Sea Service for the ensuing Year: And, we hear, that 10 Men will be added to each Company, and 3 to each Troop of Horse; so that the Land Forces by that Means, will be augmented by 4000 Men.

We are told, there was a very great Meeting last Week of the Members of the House of Commons, at the Cock-pit, wherein a Letter from the Regent of France to his Majesty, was read, expressing his Detestation of the Conspiracy that is carrying on in England, and assuring his Majesty that an Ambassador would be suddenly sent hither to concert such Measures with our Allies as may effectually secure the Crown to his Majesty and his Posterity.

The Vienna Letters advise, that in Upper-Hungary an English Engineer, whose Name is Isaac Porter, has contrived and brought to Perfection, for the Service of his Imperial Majesty, in the Towns of the Mountains of Hungary, three Leagues from Schemnitz, an artificial Machine of Fire; with which, by the Force of Fire, they can draw up in the Space of 24 Hours, 45,000 Buckets of Water, from the Bottom of a River, even though it were One Thousand Yards deep.

His Majesty's Ship *Tyger*, a Fourth Rate of 50 Guns, we hear, was launch'd the last Spring Tide at Sheerness.

One Elizabeth Chipp hath been committed to Newgate for publishing a false Bond and Letter of Attorney, with a Design to defraud two Persons of several Sums of Money. Margaret Nelson and Abigail Green have been also sent to the same Prison, for Picking one Mr. Balland's Pocket of 9 Guineas.

Last Week a melancholly Accident happen'd at Pinner, near Harrow, in Hertfordshire, where a Woman going out to fetch some Water, left a Child of a Year and a Half old by the Fire alone, into which the Infant fell; and before the Mother returned, had lost its Life, both its Arms being burnt off and its Eyes out.

We are very well assured, that some Persons belonging to the Earl of Sutherland, who were diving some Days since on the Coasts in the North of Scotland, had the good Fortune to light on the Wreck of a Dutch East-India Ship, from whence they have taken a very large Quantity of Silver, and a great Sum of Gold in Ducats.

Last Week a Gentleman bought, in Exchange Alley, of a Person in a Clergy's Man's Habit, Three Hundred Pounds in South Sea Bonds; they having a large Interest due on them, he went immediately to receive it at the South Sea House, when, to his great Surprise, the Bonds were stop'd, having been pick'd out of the Proprietor's Pocket a long Time ago, who being well known, had got others of the Company, upon giving Security. The Purchaser hurried back to the Alley; but to his Mortification, none could give him any Account of his Chapman, who prov'd a Woolf in Sheep's clothing.

On Monday last Two noted Deer-stealers were brought out of Essex, and committed to Newgate.

On Sunday last one Atkins, a Ship Carpenter of Limehouse, going to Woolwich Yard, to which he belong'd, was set upon by Rogues, and murder'd in a barbarous manner.

A Gentleman having carried a Woman of the Town into a Tavern in Drury-Lane, on Sunday last, she pick'd his Pocket of 50 Guineas, upon which he sent for a Constable and had his Lady convey'd to Covent-Garden Round House; but the next Day, when he should have appear'd, he sent a Letter, importing, that he had rather put up with the Loss of his Money, than expose himself; however, Madam not being able to give any good Account of her self, she was sent to Tuthill-Fields Bridewell, where she is now doing Penance.

They write from Rye of the 23d Instant, that one Mr. Thomas Curin having been Hunting with some other Gentlemen, as they were going Home to Tenterden, he challeng'd one of the Company to ride a Race; but Mr. Curin's Horse falling, he was thrown, and died on the Spot.

Two Shillings in the Pound will be continued on all Lands and Tenements in England and Wales, and there will be a proportionable Cess for Scotland, for the Year 1723. The said Aid, the Tax on Malt will be continued, and that the Additional Tax, which the present Conspiracy has made unavoidable, will be levied on the Roman Catholics, &c.

For several Years past there has not been a higher Spring Tide known than the last. At Bromley, near Bow, the Grounds have been overflow'd, and, we hear, considerable Damage hath been done there; as also in Southwark, &c. where in one Hour Goods have been damag'd to the Value of 40 L.

From our Portsmouth Letters of the 29th Inst.

"The Yarmouth and Nassau sailed as I inform'd you in my last, but the Wind proving contrary, they came to at St. Helens, where they have had such hard Gales, that both Ships have sprung their Topmasts; and they are now unrigging at Spithead.

"On Tuesday Night the Alborough arrived at Spithead from Waterford in Ireland, from whence she has brought in Chains two of Roche's Accomplices, who confess'd they were concern'd with him in the horrid murder of the Company on board the French Vessel. There is Orders to clean and fit the Alborough for Channel-Service; and likewise the Swift Sloop, who lately sail'd and carry'd in to Lymington, a Vessel of about 30 Tuns laden with Wine and Brandy, belonging to the private Traders at Christ-Church; which being made Prize of, will be first unloaded at Southampton, and there burnt.

"The Otter and Conetto Sloops are preparing to sail from Stok's Bay, where they anchored in the bad Weather. We expect the Alborough and Swift Sloops in the Harbour next Tide. Mr. David Bartlet, the Master Attendant of his Majesty's Yard here, died Yesterday.

'Tis reported, that the Bank and South-Sea Company will advance the Money which the Land and Malt Taxes will raise for the Year 1723, at 3 per Cent. and that the common Interest will be reduc'd from 5 to 4 per Cent, in order to advance publick Credit.

Great Interest is making in Cordwainer's Ward, to succeed Sir George Thorold, Alderman thereof, lately deceased. Mr. Billars is one of the Candidates, who, 'tis said, will be oppos'd by Mr. Lockwood or Mr. Crawley.

On Wednesday last Mr. Laver was brought from the Tower to Westminster, under a strong Guard, in order to be arraign'd; but upon reading the Indictment, his Council making Objections to some slight Mistakes, the Court deferred the Consideration of that Matter to this Day.

The Merits of the Petition upon the Westminster Election is to be heard at the Bar of the House this Day.

At the close of last Week, three Men in lac'd Cloaths took a Boat from the Temple about Eight at Night, and bid the Waterman Row to Whitehall; in the Way thither they asked him, who he was for? he said, For King George: On which they took him by the Heels and threw him overboard; the poor Man swimming well for himself, otherwise had been lost, for they rowed away with his Boat.

We hear, that in a short Time there will be a new Government Lottery on the same Scheme as the last.

His Grace the Duke of Montague has lately purchased two Guns at a considerable Price, which will each discharge fifteen Times in a Minute, and carry fifteen Bullets at a time.

A Score Ship now in the River of Thames, is going in a few Days, for the Island of St. Lucia; she carries over a great Number of Artificers, who are to be employ'd in the new Settlement on that Island.

On Tuesday last the Committee of Shipping of the South-Sea Company, received Proposals from the Owners of Ships, for one to go to Buenos Aires, and back again, as a Packet Boat. The said Ship is to carry over Mr. Croft as chief Factor, in the Room of Mr. Thurf, who will return Home.

The Prize Certificates in the Malt Lottery 1721, from the First Course to Numb. 20, in the 59th, are now paying at Bank.

All the Blanks and Benefits in the Lottery 1710, that are Unsubscrib'd and due at Michaelmas last, are in Course of Payment.

The present Posture of Affairs requiring it, the Forces in Hyde-Park will not decamp: They are making large Fire-Places there for every Regiment, the Top of which is to be boarded over.

Last Week a Cobler, who had been playing at Cards at an Ale-house in Tuthill Street, and losing what little Money he had amongst some Sharpers, he was so affected by it that he immediately went and drown'd himself in a Pond in that Neighbourhood.

Letters from Boston, in New-England, of the 23d of July, give an Account, that on the 11th the Indians drove into the Garrison of Fort George, above 90 Persons, Men, Women and Children, firing at them, and afterwards at the Fort; but being repulsed they retreated, carrying off 20 Horses and other Cattle. Upon this Capt. Harman embark'd on Board a Sloop with 40 Men, and sail'd up the River to observe their Motions, and by the Fires they had made, discover'd the Place where they lay encamped. About Two in the Morning, when their Mirth was over, the Captain lagg'd with his Men and killed about 30 of the Indians who

